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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,793	02/20/2004	Stephan Copeland	030685	7183

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Dennis M. Carleton
BUCHANAN INGERSOLL
20th Floor
One Oxford Centre
Pittsburgh, PA 15219

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/783,793
Filing Date: February 20, 2004
Appellant(s): COPELAND, STEPHAN

Dennis M. Carleton
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 15, 2005 appealing from the Office actions mailed September 21, 2005 and May 20, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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5,108,061	VLASAK	4-1992
4,447,031	SOUDER, JR et al	5-1984
6,559,734	SPADEA	4-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, and 7-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,682,749 to Strater. Strater discloses a mechanical arm (2) comprising: a base (1); a first linkage (5) pivotally attached to the base at a first pivot (8); a second linkage (6) pivotally attached to the first linkage at a second pivot (9); a first spring (25) attached between an anchor point (30) defined on the first linkage and the first pivot; a second spring (25) attached between an anchor point (30) defined on the second linkage and the second pivot; wherein the first and second pivots comprise a first axle (14) and a second axle (14) respectively, a first ring (19) disposed around the first axle and a second ring (19) disposed around the second axle, and wherein the springs are attached to the pivots via an attachment (21, 23, 24) to the rings; wherein the springs are attached to the pivot points via a hole (formed by ends 41 & 42) disposed in the rings; wherein the first and second axles are hollow (Fig. 2); wherein the base and one end of the first linkage are rotatably attached to the first axle and further wherein the other end of the first linkage and one end of the second linkage are rotatably attached to the second axle; wherein the first and second linkage are comprised of a hollow sheathing (Col. 5, line 17ff) and further wherein the first and second springs and the first and second rings are hidden

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from view within the hollow sheathings; and an attachment (3), the attachment being rotatably attached to the other end of the second linkage.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Strater in view of U.S. Patent 5,108,061 to Vlasak or U.S. Patent 4,447,031 to Souder, Jr. et al, hereinafter, Souder, or U.S. Patent 6,550,734 to Spadea. Strater further discloses that the attachment is a support plate. Strater discloses the claimed invention except for the limitation of the attachment being selected from a group consisting of a lamp, a computer monitor, a lab instrument, and a microphone. Vlasak teaches a mechanical arm having an attachment (7) attached to a linkage system of the arm, and wherein the lamp can be considered a lab instrument. Souder teaches a mechanical arm attached to a monitor (22). Spadea teaches a mechanical arm attached to a microphone. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the attachment in Strater to have included any one of the attachments as taught by Vlasak, Souder, or Spadea for the purpose of providing a versatile mechanical arm capable of supporting various objects in a particular environment.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Strater. Strater discloses the claimed invention except for the limitation of the sheathings being constructed of a material selected from a group consisting of metal and plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have constructed the sheathing in Strater of a sturdy material such as metal or plastic material based on the

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materials suitability for its intended use and since such a modification would not have produced any unexpected results.

(10) Response to Argument

In response to appellant's argument that Strater does not teach the springs in both linkages are attached to the linkage nor the pivot points, the springs in Strater are indirectly attached to the linkages and the pivot points through rod segments 26 & 27 and a lever 23, which are directly attached to the fixed support 30 and the pivot joints via the brake shoe 19, respectively. Thus, Strater does indeed meet the limitations of the claimed subject matter. The purpose of the spring in Strater is irrelevant since the appellant does not further limit the first and second spring in the claimed subject matter.

In response to appellant's argument that the Strater reference character 14 is a bolt rather than an axle, the bolt in Strater is used as a pivoting means on which the linkages pivot so it can be construed as an axle in the broadest interpretation of the word.

In response to appellant's argument that element 19 in Strater is an arc-segmented brake, the element 19 of Strater is described in Column 5, line 44 as being shaped like ring and thus can be construed as a ring.

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the cable) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(11) Related Proceeding(s) Appendix



No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Anita M. King
Primary Examiner
Art Unit 3632

February 28, 2006

Conferees:
Robert Olszewski 
Peter Cuomo 

BUCHANAN INGERSOLL, P.C.
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410